

Analysis of the article showed that it consisted essentially of volatile oils including oil of eucalyptus, menthol, and camphor, and alcohol and water.

The leaflet enclosed in the carton contained the following statements: "Synex Alcoholic Content 20% For Use in Syn-O-Scope Made in U. S. A. Synex the medicament sold with and recommended for use in Syn-O-Scope. This new method of application brought with it a need for an entirely new compounding of medicines designed for head treatment. The result was Synex—made exclusively for Syn-O-Scope under a formula which permits it to volatilize with the heat of the breath. Synex—in liquid form—need not and should not reach the head passages. It is the vapor which does the work, thus eliminating overflow and other undesirable features of ordinary application. Here, then, we have two new principles for the treatment of head disorders: First—a medicament that is vaporized by a warm air current (the breath); Second—a new and novel application (forced breathing) which sends the soothing vapor to the innermost recesses of the head passages. In order that the most effective vaporizing results may be had, Synex should be used in Syn-O-Scope. In the absence of Synex, however, other safe medicaments may be used until a fresh supply of Synex is obtained. The principal thing is to place the medicament—whatever it is—where needed, and at the right body temperature. This is done with Syn-O-Scope, and is best done when Synex, also, is used."

It was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, contained in the printed leaflet, falsely and fraudulently represented that it would be effective as a cure or remedy for affections of the sinuses, catarrh, hay fever, nasal irritations, congestions, ailments, and disorders.

On March 31, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture.*

**27228. Misbranding of Togstad's Dip and Disinfectant. U. S. v. Mrs. Vera P. Togstad (The C. I. Togstad Co.). Plea of guilty. Fine, \$10. (F. & D. no. 38037. Sample no. 62308-B.)**

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On December 2, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Vera P. Togstad, trading as the C. I. Togstad Co., Kokomo, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 14, 1936, from the State of Indiana into the State of Texas, of a quantity of Togstad's Dip and Disinfectant that was misbranded.

Analysis showed that the article consisted of soap, water, coal-tar neutral oils, and phenols.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the can labels, falsely and fraudulently represented that it was effective as a preventive of disease and sores of all kinds; effective as a treatment, remedy, and cure for eczema from external causes, eczema of external origin, many skin diseases, and contagious abortion; and effective as a preventive of cholera or swine plague.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910 and the Federal Caustic Poison Act, reported in notice of judgment no. 1536 published under the former act, and notice of judgment no. 59 published under the latter act.

On January 9, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10 on all charges.

H. A. WALLACE, *Secretary of Agriculture.*

**27229. Adulteration and misbranding of mouthwash. U. S. v. Golden Peacock, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 38050. Sample nos. 52878-B, 68601-B.)**

This article was misrepresented on the label as to its germicidal and antiseptic properties.

On December 3, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Golden Peacock, Inc., a corporation, Paris, Tenn., charging shipment by said corporation in violation of the Food and

Drugs Act on or about January 20 and 29, 1936, from the State of Tennessee into the States of Arkansas and Kentucky of quantities of an article labeled in part, "Mouth Wash Highly Antiseptic A powerful germ killer. 10 times as strong as ordinary antiseptics \* \* \* Norris New York San Francisco Paris U. S. A.", which was adulterated and misbranded.

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be highly antiseptic and a powerful germ killer; whereas it was not highly antiseptic and was not a powerful germ killer.

It was alleged to be misbranded in that the statement, "Highly Antiseptic A powerful germ killer. 10 times as strong as ordinary antiseptics", borne on the label, was false and misleading in that it represented that the article was highly antiseptic, that it was a powerful germ killer, and was 10 times as strong as ordinary antiseptics; whereas it was not highly antiseptic, it was not a powerful germ killer, and it was not 10 times as strong as ordinary antiseptics.

On March 22, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$100 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

**27230. Misbranding of Olivo Hair Tonic and Olivo Hair Oil. U. S. v. 16 Bottles of Olivo Hair Tonic and 329 Jars of Olivo Hair Oil. Default decree of condemnation and destruction. (F. & D. nos. 38286, 38287. Sample nos. 16774-C, 16775-C, 16776-C.)**

Each of the articles was falsely represented in the labeling to contain olive oil and to be an Italian product. The labeling of each also contained false and fraudulent representations regarding its curative or therapeutic effect. The Olivo Hair Tonic failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

On September 14, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bottles of Olivo Hair Tonic and 329 jars of Olivo Hair Oil at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 23, 1936 by the Zala Perfumery Co., from Philadelphia, Pa., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Olivo Hair Tonic showed that it consisted essentially of alcohol (72 percent by volume), an oil which was largely or wholly castor oil, resorcinol, and perfume. Analysis of the Olivo Hair Oil showed that it consisted essentially of petrolatum, with small quantities of a phenol, a fatty oil, perfume, and a green coloring material.

The Olivo Hair Tonic was alleged to be misbranded: 1. In that the statement, "Olivo \* \* \* Olivo Hair Tonic contains olive oil", borne on the bottle label, was false and misleading in that it represented that the article contained olive oil; whereas it did not contain olive oil. 2. The statement "Genuine Italian", borne on the bottle label, was false and misleading with respect to its geographical origin because it was not a genuine Italian product. 3. The packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein. 4. The following statements regarding its curative or therapeutic effects, borne on the bottle labels, were false and fraudulent: (Principal label) "Perfect \* \* \* Dandruff Remedy \* \* \* This preparation applied to scalp prevents dandruff and eczema. Keeps the hair from falling, strengthens the growth \* \* \* Tonic"; (rear label) "\* \* \* for the eradication of dandruff and to aid in the destruction of bacteria infesting the scalp. \* \* \* for the purpose of \* \* \* Keeping the scalp in a healthy normal condition. \* \* \* If properly used marvelous results will be obtained for all kinds of scalp ailments. \* \* \* First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo Hair Tonic—rub lightly until it is absorbed by the corium. Repeat this treatment twice a week until desired results are obtained."

The Olivo Hair Oil, contained in 16-ounce and in 2-ounce jars, was alleged to be misbranded: (1) In that the title "Olivo" and the word "Olivo", appearing on the labeling, were false and misleading in that they represented that it was an olive-oil preparation, whereas it was not an olive-oil preparation; and (2) in that the statement "Genuine Italian", appearing on the labeling, was false and misleading with respect to the geographical origin of the product in that it was not a genuine Italian product. Said article in the 16-ounce jars was alleged to be misbranded in that the following statements regarding its curative or thera-